

# **Annexure B**

## **Zoning Regulations for Transitional Settlement Areas**

1. Settlement shall take place in terms of an approved layout plan. Such a “layout plan” means a plan that indicates the sites upon which buildings / structures will be established and are used for human occupation and economic and other activities. A draft layout plan is to be drawn from either the on-site measurements or the use of aerial orthophotography, and must be verified with the relevant community on-site.
2. The draft layout plan must submitted for approval to the relevant Settlement Planning/Town Planning Section of the Local/District Authority. Consideration of the application shall take into account the relevant spatial principles of incremental housing and other requirements of the Local/District Authority.
3. On approval of the draft layout plan, the relevant community shall in consultation with the Local/District Authority, identify each structure and the structure shall be numbered.
4. Each identified occupant household will be issued with a “Permission to Occupy” certificate that identifies such household as the officially recognized occupant of the building/structure/site and indicates what activities may be permitted on site.
5. A register of such “Permission to Occupy” certificates issued shall be kept by the appropriate Department as designated by the Local/District Authority.
6. The compilation of the layout plan shall include the identification of any social and community facilities, business (retail) sites, as well as access to the settlement and major access road networks. Density and minimum sizes of sites for residential uses shall be determined as part of the layout plan. At this point the layout plan may proceed with additional formalization in respect of pegging and infrastructure provision.
7. For the purpose of these conditions “structure” means any building or construction or premise that is intended or used for human occupation and use, irrespective of the material from which it has been manufactured or built.
8. The construction and placement of any structure shall be regulated by the applicable standards contained in SANS 10400:2011 (as applicable), and any local specific policy provisions of the Local/District Authority. Provision shall be explicitly made for the construction of temporary shelters of traditional/informal materials to the satisfaction of the Local/District Authority.
9. Where an approved layout plan has progressed to the identification of individual

land parcels, the number of buildings/structures which may be erected on the identified residential sites shall be restricted to one dwelling/structure per site.

10. For any structures on individually identified sites on the layout plan, a minimum of one meter wide on all boundaries shall remain free of any structures. No solid walls may be used to define boundaries. Only fencing may be used if an occupant wishes to secure the site.

11. The height on any structure on the residential sites shall not exceed one storey without the permission of the local authority, which permission may be declined, granted or approved subject to such conditions relating to the submission of a building plan as defined in SANS 10400:2011.

12. No land parcel on the layout plan for residential purposes shall be smaller than 150 square meters in total.

13. No land parcels on the layout plan shall have a developable width of less than 9 meters.

14. The coverage on individually identified sites on the layout plan may not exceed 60% without the permission of the local authority, which permission may be declined, granted or approved subject to such conditions as the local authority may impose.

15. Any informal shelters placed on individual sites shall be so positioned to permit the construction of a dwelling of a minimum of 40 square meters on the site without the need for the removal of the informal shelter during construction. No encroachment into the one meter building restriction area parallel to the inside boundary of each site will be permitted, either during construction of the permanent dwelling or subsequent occupation.

16. Where temporary shelters are located on a land parcel, natural earth flooring must be suitably compacted before occupation.

17. Soil around the perimeter of any structure shall be graded away from the structure so that stormwater is diverted away from the structure.

18. After the layout plan has been approved by the local authority, the legal occupant of a residential site/structure may apply in writing to the local authority to permit a new alternative land use on the site (excluding a spaza shop). The legal occupant of the site/structure as per approved register must submit such application in writing to the local authority. The application must be accompanied by written confirmation from all registered occupants of all adjacent sites/structures that they have been notified and indicate their support or objection for such application.

19. A residential structure that has been constructed from permanent materials and in accordance with SANS 10400:2011 may be utilised for a spaza shop provided that the environmental health regulations of the Local/District Authority are complied with.

20. The local authority may decline or approve any application in terms of these

regulations and/or any other zoning regulations in effect in the area of the application, subject to conditions it may deem fit. The local authority shall keep a register recording the decisions of such applications. If the application is granted, the layout plan shall be endorsed accordingly to reflect the land use change.

21. If any site is used in contravention of these conditions the local authority may give the occupant notice in writing requiring him/her to rectify such condition or contrary use within a period of 30 days from such notification, failing which further legal action shall be instituted in terms of these regulations and/or any other relevant legislation.

22. The provisions and conditions as set out above shall prevail on the identified and demarcated "Transitional Residential Settlement Area" as indicated on the layout plan, notwithstanding whether any other zoning is applicable or not.

23. These regulations do not supersede or replace any other requirements imposed in terms of National or Provincial Legislation, or any other Local Authority By-Laws or Regulations. Such requirements must also be complied with, as may be applicable.